

IDAHO BOARD OF OPTOMETRY
Division of Occupational and Professional Licenses
P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 8/24/2020

BOARD MEMBERS PRESENT: Lance W Fagan, O.D.
Terri L Haley, O.D.
William Von Tagen
Jared Walker, O.D.

BOARD MEMBERS ABSENT: Shawn Sorenson, O.D.

DIVISION STAFF: Dawn Hall, Section Chief
Nicki Chopski, Section Chief
Julie Eavenson, Licensing Group Manager
Lori Peel, Investigative Unit Manager
Rob McQuade, Legal Counsel
Greg Floyd, Financial Unit Manager
Cesley Metcalfe, Board Specialist

OTHERS PRESENT: Lisa White, Idaho Optometric Physicians
Sarah Olson, Idaho Society of Ophthalmology
Carlie Foster, Lobby Idaho
Aaron J Warner, O.D.

The meeting was called to order at 10:00 AM MDT by Dawn Hall.

ELECTIONS

Dr. Walker made a motion to nominate Dr. Fagan as the Board chair. It was seconded by Mr. von Tagen. Motion carried.

INTRODUCTIONS

Nicki Chopski introduced herself to the Board as the newly-named section chief for the Health Professions Section of the Division of Occupational and Professional Licenses.

Ms. Hall introduced Gregory Floyd to the Board as the Financial Unit manager who will now be giving the financial report.

APPROVAL OF MINUTES

Mr. von Tagen made a motion to approve the minutes of February 6, February 24, and May 18, 2020. It was seconded by Dr. Haley. Motion carried.

EXECUTIVE SESSION

Mr. von Tagen made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to discuss documents relating to the fitness of a licensee to retain a license or registration. It was seconded by Dr. Haley. The vote was: Dr. Fagan, aye; Dr. Haley, aye; Dr. Walker, aye; and Mr. von Tagen, aye. Motion carried.

Mr. von Tagen made a motion to come out of executive session. It was seconded by Dr. Haley. Motion carried.

FOR BOARD DETERMINATION

Mr. von Tagen made a motion to approve a request for termination of probation regarding case number OPT-2017-1. It was seconded by Dr. Haley. Motion carried.

LAWS AND RULES

Mr. McQuade presented a legislative update. He said as of July 1, individuals with a criminal background can ask an agency to review that conviction(s) prior to them attending school and ask the agency to tell them if the conviction(s) would bar them from receiving a license after they meet all of the requirements for licensure.

Mr. McQuade updated the Board on its administrative rules. In February, the Board approved the rules as temporary in case they were not codified by the Legislature. The rules were not codified, so the rules remain temporary and are set to expire at the end of the next legislative session. The Division was directed by the Governor's Office to go through the proposed and pending process so that the rules can be reviewed by the Legislature and codified in the 2021 session. The rules will be published as proposed rules in a special edition of the Idaho administrative bulletin in September. The Board will be asked before November to make a motion to move the rules to pending status to be reviewed by the Legislature.

FINANCIAL REPORT

Mr. Floyd gave the financial report, which indicated that the Board had a cash balance of \$74,888.02 as of July 31, 2020.

BOARD CONTRACT

Mr. Crema and Mr. Floyd reviewed the 2021 fiscal year contract with members of the Board. Dr. Walker made a motion to accept the 2021 contract and authorize the Board chair to sign. It was seconded by Mr. von Tagen. Motion carried.

DIVISION BUSINESS

The Board reviewed the To Do List. The Board will discuss the designated members of the draft legislation subcommittee at the next meeting.

BOARD BUSINESS

PUBLIC COMMENT

Dr. Warner stated that the new member of the Board who is replacing him, Dr. Shawn Sorenson, has served on the Idaho Optometric Physicians (IOP) legislative committee for quite some time. Dr. Warner further stated that Dr. Sorenson would be a valuable addition to the draft legislation subcommittee due to his experience with IOP and his geographic location.

ARBO CONFERENCE UPDATE

Dr. Haley gave the Board an update from the Association of Regulatory Boards of Optometry (ARBO) 2020 Annual Meeting. Dr. Haley stated that ARBO will ask the National Board of Examiners in Optometry (NBEO) to revise its appeal policy regarding sponsorship of individuals who have failed the exam more than the allowable six times. Dr. Haley further stated that continuing education requirements are changing across the nation and that the Board may want to diversify its admissible options.

CORRESPONDENCE

The Board reviewed correspondence from the Idaho Optometric Physicians on behalf of Allergan regarding whether it is within the scope of practice for Idaho licensed optometrists to administer Durysta. Mr. von Tagen made a motion directing the Division staff to draft a response for the Board chair's signature that advises Allergan to consult their legal counsel for interpretation of the relevant laws and rules. It was seconded by Dr. Haley. Motion carried.

NEXT MEETING was scheduled for October 26, 2020 at 8:30 AM MDT.

ADJOURNMENT

Mr. von Tagen made a motion to adjourn the meeting at 11:05 AM MDT. It was seconded by Dr. Walker. Motion carried.

Lance W Fagan, O.D., Chair